

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv547**

SONOPRESS, L.L.C.,

Plaintiff,

Vs.

**KCD IP, LLC d/b/a CRAFTSMAN;
SEARS BRANDS, LLC; SEARS
HOLDING CORPORATION;
SEARS, ROEBUCK AND CO.; and
ALERT STAMPING AND
MANUFACTURING CO., INC.,**

Defendants.

**PROTECTIVE
ORDER**

THIS MATTER is before the court on the Sears defendants' Motion for Protective Order. Having considered the Sears defendants' motion and reviewed the pleadings, and good cause having been shown along with the consent of other counsel, the court enters the following Order.

ORDER

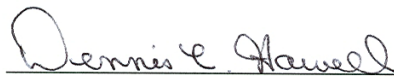
IT IS, THEREFORE, ORDERED that the Sears defendants' Motion for Protective Order (#34) is **GRANTED**, and the following **PROTECTIVE ORDER** is entered:

- (1) That plaintiff or its agent retain permanent custody of the evidence in its possession, which are two Craftsman 16-gallon 6.5 peak hp Wet/Dry Vacuums with Detachable Blowers;
- (2) That the evidence be available for inspection or evaluation by attorneys

or agents for any party upon reasonable notice to all other parties. Any person taking temporary custody of the evidence shall be responsible for timely and safe return of the evidence to plaintiff or its agent. The evidence shall thereafter remain with plaintiff or its agent unless special arrangements are made; and

- (3) That all parties, their agents, witnesses, and attorneys shall preserve the present condition and integrity of the evidence. General inspection, electrical testing, x-ray examination, and photographing shall be permitted; but, there shall be no cutting, drilling, scraping, gouging or any other potentially destructive act performed without the express order of this court, or written stipulation of all parties to this litigation.

Signed: April 21, 2009

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Dennis L. Howell
United States Magistrate Judge

